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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/806,127

Applicant(s)

HIROSE ET AL.

Examiner

TED T. VO

Art Unit

2191

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-8 and 10-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-8 and 10-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to the communications filed on 12/30/2008.

Claims 5-8, 10-16 are pending in the application.

Response to Arguments

2. This is in response to the argument remarks filed on 12/30/2008.

Applicants' argument on their newly added limitation has been considered, but not persuasive.

Applicants amending the instruction form as:

a. *"the instruction form management apparatus gives a control function to at least one instruction form execution apparatus to execute a process indicated on the instruction form"*

This is merely the attributes within tags in which are put in a XML document to do the meaning of the tags: example, it is merely tags : <id> </id> for id of instruction forms, <filename></filename> for the name of the file, etc. They are merely tags that is set forth by XML standard as for a general-purpose *specification* for creating custom markup language. It is compliant to the XML specification. A basic schema itself indicates an process. See a schema in Figure 8-3, p. 8-9. It will represent in XML document with tags like Applicants' XML document, and when process will link to the SQL code calling sequence. XML document is also being formatted with stylesheet to present execution process for the web, that has been shown in

the example to provide an instruction form for Flight Fider (Figure 4-2, p. 4-7). Thus the execution of a process is only within the attribute definition of the tags standardized by the XML specification.

b. *"the at least one instruction form execution apparatus returns the control function to the instruction form management apparatus once the instruction form execution apparatus completes the process indicated on the instruction form."*

It is merely tags within its root tags. For example, Applicants define <instruction>
</instruction> that is embedding with XML pair tags <scan> </scan> , <file connection></file connection>, <Fax transmission.></Fax transmission>

Examiner fails to find any thing novelty here, except it is compliant to the XML specification.

It is improper to claim things that are opened in the publics domain, compliant to the XML specification. For example, see broker.bat in form of XML document that define a process of generation <result> </result> (see p. 8-70) for an order in Figure 8-13 (p.8-44) and further in the descriptions up to p. 8-81. It is obvious any bat file is created in the runtime (because it carries the numbers within the attribute tags entered from the place holder, and then will be deleted by SQL script, after complement or before another new entry.

In general, the claim is merely claiming a process that is described by an instruction form. It should be noted that this is only compliant to the XML specification that fails to present patentability.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 5-8, 10-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Oracle, "Oracle9i Case Studies – XML Applications", June 2001.

As per Claim 5 (current amended): ORACLE discloses,

A computer comprising an instruction form management apparatus (See p. 8-30, Figure 8-5: Section Retailer), *wherein the instruction form management apparatus comprises:*

a storage part that stores an instruction form that indicates a process (Interpreted as a part of memory such as retailer-supplier database. The database stores and XML order, i.e. *an*

instruction form, which is an XML document with tags defining a process, i.e. how to order

(Figure 8-5, p. 8-30)) *to be executed to a document by at least one of a plurality of instruction form execution apparatuses connected to the instruction form management apparatus via a*

network (See the execution such as the execution Figure 8-14, p.8-44 to p.8-47, when execution, it creates a XML document under a .bat file as of figure 8-18, p. 8-71. These execution files will

be either updated or deleted because it is depending only on the user ID and User inputs. For example, ID = 526, and Quantity = 1. This is obvious. It does not need any reference to use the language “delete” when another user with different ID inputs with a different quantity. It is obvious that if said another user, for example ID =1, inputs a quantity = 2, then the broker.bat or Supplier.bat shown in Figure 8-18 is no longer in the database anymore, but a new Broker.bat or Supplier.bat that is corresponding to ID =1, and quantity=2 will be used to run the execution order/supply);

an output part that outputs the instruction form to the at least one of the plurality of instruction form execution apparatuses (For example the bat file in Figure 8-18, or see Figure 8-5, i.e. the XML order from Retailer Database R, this XML order is filled in by user, and transformed by XSQL Servlet into the “XML order”, then sent to Supplier by the user’s click on the “Place Order”); ***and***

a deletion part that causes the instruction form to be deleted from the storage part and from the at least one of the plurality of instruction form execution apparatuses when the process indicated in the instruction form has been completed (Using SQL script to delete the orders, i.e. instruction forms*, from Retailer-supplier database Customers table (see, p. 8-28)); ***wherein***

the instruction form management apparatus gives a control function to at least one instruction form execution apparatus to execute a process indicated on the instruction form, and

the at least one instruction form execution apparatus returns the control function to the instruction form management apparatus once the instruction form execution apparatus completes the process indicated on the instruction form.

See the example of bat file in XML format (e.g. Broker.bat, supplier. Bat, p. 8-77) generated from a supplier (The same for order entry).

As per claim 6: Oracle discloses,

The computer according to claim 5,

further comprising a determination part that determines whether or not the instruction form includes information to delete the instruction form when the at least one of the instruction form execution apparatuses completes execution of the process indicated in the instruction form, wherein the deletion part deletes the instruction form if the instruction form includes the information to delete the instruction form.

See all the Figures 8-15 and 8-16, the Figures show the returns with result of completion or provided the user with the validation or cancel. Figure 8-16 also shows the Order Form filled with the user input no longer in the Retailer Database R. It should be noted that the deletion is perform as seen based on batch mode processing, or from the corresponding customer ID/quantity shown in the bat file (i.e. instruction form). It is deleted by means of using the SQL script.

As per claim 7: Oracle discloses,

The computer according to claim 6, wherein the information to delete the instruction form indicates that the instruction form is executed only once.

See the bat file, the form is executed only one based on quantity order, and the batch mode processing, when a user performs login or fills with new order.

As per claim 8: reads on Oracle mechanism that using the script to generate XML document as bat file, for execution in form of a customer order/supplier.

Regarding:

An instruction form management system comprising at

least one instruction form execution apparatus and a computer comprising an instruction form management apparatus (Using SQL)
connected via a network, wherein the instruction form management apparatus comprises:
a generation part that generates an instruction form that causes a process to be executed to a document by the at least one instruction form execution apparatus; and
an output part that outputs the instruction form to the at least one instruction form execution apparatus, and
the at least one instruction form execution apparatus comprises:
an instruction form reception part that receives the instruction form and a document which is an object of the process;
an execution part that executes the process indicated in the instruction form to the document;
and
a deletion part that deletes the instruction form from the instruction form execution apparatus when the execution part completes the execution of the process indicated in the instruction form; and

See rationale addressed in Claim 5.

Regarding, *a copying part that forms at least one copied instruction form by copying the instruction form* (the mechanism that hold an XML document in the database until the XML is deleted by the batch processing or SQL script), *wherein the deletion part deletes all the copied instruction forms; and*

the instruction form management apparatus gives a control function to at least one instruction form execution apparatus to execute a process indicated on the instruction form, and

the at least one instruction form execution apparatus returns the control function to the instruction form management apparatus once the instruction form execution apparatus completes the process indicated on the instruction form.

See rationale addressed in Claim 5.

As per Claims 10, 11-13, 14-16: Oracle discloses the claimed limitations because the claims have the functionality in the same manner as the functionality as recited in Claims 5-7.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (571) 272-3706. The examiner can normally be reached on 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y. Zhen can be reached on (571) 272-3708.

The facsimile number for the organization where this application or proceeding is assigned is the Central Facsimile number 571-273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTV
March 06, 2009

/Ted T. Vo/
Primary Examiner, Art Unit 2191